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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,536	12/28/2005	Arthur Putzer	AT030038	5903

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EXAMINER	
LEE, LAURA MICHELLE	

ART UNIT	PAPER NUMBER
3724	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/562,536	PUTZER, ARTHUR	
	Examiner	Art Unit	
	LAURA M. LEE	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/09/2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The amendments to the specification filed on 2/09/2009 are acceptable and have been entered.

Claim Objections

2. Claims 4 and 7 are objected to because of the following informalities:

Claim 4, there is a lack of proper antecedent for "the depth axis" in line 3 as claim 4 depends from claim 1. Claim 4's dependency either needs to be changed from claim 1 to claim 2, or the limitation needs be changed to --the depth direction-- or similar correction. Claim 4, is herein, being construed as being dependent on claim 1, with a lack of proper antecedent for "the depth axis".

Claim 7, lines 1-2, should be changed from "wherein the angle of inclination is preferably about 130-degrees" to --wherein the angle of inclination is about 130-degrees.--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Beutel et al. (U.S. Publication 2002/0000043), herein referred to as Beutel. Beutel discloses a shaving apparatus (HSM), comprising a base part (housing, 1) for being held in one hand and has a top end and a bottom end, and comprising a shaving head (clipper head, S) being mounted on the base part (1) in the region of the top end of the base part and has a short hair cutting device (cutting teeth 41/43; each set is capable of cutting long or short hair) and a long hair cutting device (cutting teeth 40/420; each set is capable of cutting long or short hair), the long hair cutting device being arranged next to the short hair cutting device in a first side direction of the shaving head, and wherein the short hair cutting device has short hair cutting parts (cutting teeth 41/43) which interact with one another, and wherein the long hair cutting device is formed by a toothed cutting device which has two rows of cutting teeth (41/43) lying next to one another in a longitudinal direction of the rows , and wherein the shaving head (S) is pivotable mounted (pivot axis Z) with respect to the base part (1), namely about a pivot axis (Z; Figures 2 and 7) running parallel to the longitudinal direction of the rows, and wherein the pivot axis is arranged offset (the axis is beneath the cutting teeth best shown in Figure 7) towards the base part with respect to the short hair cutting parts and

the rows of cutting teeth in a depth direction (substantially center along the radial direction) of the shaving head, wherein spring means (i.e. spring elements,100 and/or 28 and 29) are provided which spring means spring load the shaving head essentially counter to the depth direction away from the base part and towards a rest position of the shaving head (spring element 100 loads the shaving head in a direction opposite to the depth direction and spring elements 25/29 load the shaving head in a direction perpendicular to the depth direction; both opposite and perpendicular directions constituting counter directions).

In regards to claim 2, Beutel discloses wherein the base part (1) has a longitudinal axis (about the length of the housing) running between its bottom end and its top end, and wherein the shaving head has a depth axis (radial axis) running parallel to the depth direction, and wherein the longitudinal axis of the base part (1) and the depth axis of the shaving head (S) enclose an angle of inclination with one another, said angle being smaller than 180 degrees (see one of Figures 6-10; the axis are not aligned).

In regards to claim 4, Beutel discloses that the pivot axis is arranged offset with respect to the depth axis in the first side direction.

5. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwashita et al. (U.S. Patent 6,789,322), herein referred to as Iwashita. Iwashita discloses a shaving apparatus (electric shaver), comprising a base part (main body, 1) for being held in one hand and has a top end and a bottom end, and comprising a

shaving head (cutter head, 2) being mounted on the base part (1) in the region of the top end of the base part and has a short hair cutting device (movable cutter unit, 4) and a long hair cutting device (rough shaver cutter unit 7), the long hair cutting device being arranged next to the short hair cutting device in a first side direction of the shaving head, and wherein the short hair cutting device has short hair cutting parts (foil and inner cutters 4a/4b) which interact with one another, and wherein the long hair cutting device is formed by a toothed cutting device which has two rows of cutting teeth (slit form outer cutter 7a/ inner cutter 7b) lying next to one another in a longitudinal direction of the rows , and wherein the shaving head (2) is pivotable mounted (see Figures 1(A) - 1(C)) with respect to the base part (1), namely about a pivot axis (supporting shaft, 26) running parallel to the longitudinal direction of the rows, and wherein the pivot axis is arranged offset (the axis is beneath the cutting devices) towards the base part (1)with respect to the short hair cutting parts and the rows of cutting teeth in a depth direction (along cutter unit 7) of the shaving head, wherein spring means (i.e. mode key clicking body, 30) are provided which spring means spring load the shaving head essentially counter to the depth direction away from the base part and towards a rest position of the shaving head (the clicking body holds the shaving head in the pivoted position against the mode key 33).

In regards to claim 4, Iwashita discloses wherein the pivot axis (26) is arranged offset with respect to the depth axis (along =cutter unit 7) in the first side direction (along the width/faces of the cutting units).

In regards to claim 5, Iwashita discloses wherein a second toothed cutting device (cutter unit, 6) is provided, and wherein the short-haired cutting device (4)is arranged between the two toothed cutting devices.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3 and 7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beutel et al. (U.S. Publication 2002/0000043), herein referred to as Beutel. Beutel does not positively disclose the exact angle of inclination between the depth axis of the shaving head and the longitudinal axis of the base part as shown in the drawings; see especially Figures 8-10. However, from the interaction of the detent mechanism RV (Figure 10) and the notches 102/103, the shaving head appears to form an angle with the horizontal such that from the drawings Beutel shows that the interior angle between the depth and longitudinal axis is approximately 45-degrees. The supplementary angle (180- angle) or angle of inclination is therefore about 135 degrees. Beutel therefore discloses that the angle is well within the disclosed range of 120-140-degrees and is also considered about 130-degrees. To the extent that it can be argued that the drawings are not to scale and therefore Beutel does not disclose the claimed range of 120-140 degrees and also

preferably that the angle is 130 degrees, it is further noted that Beutel also discloses that it is desirable to maintain the shaving head in various operating positions, and particularly at an optimal angle of application to the skin. As both the purpose of the applicant's claimed angle and the angle as shown by Beutel is to provide an optimum position of the blade relative to the user's skin and as Beutel already appears to disclose the claimed angle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Beutel blade at an angle of about 130 degrees (if not already) as a matter of design choice to determine and accommodate the best optimal angle for use of the shaver with the user's face since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beutel et al. (U.S. Publication 2002/0000043), herein referred to as Beutel. Beutel discloses the claimed invention including that the spring means (28/29) is concentric to the pivot axis (Z) but does not disclose that the spring means is a wire spring which has a multiple wound middle section and two leg sections. However, springs such as coil and leaf springs are recognized within the art as equivalent mechanical structures each designed to create a positive or negative biasing force against an object. Beutel even further discloses the use of a coil spring (spring element 107) in the locking device 10 for a similar purpose of providing a biasing force against the locking mechanism to keep the lock in place. As leaf and coil springs are art recognized equitant structures and as

Beutel discloses similar use of a coil spring, it would have been obvious to one having ordinary skill in the art to have substituted the leaf spring of Beutel for a coil spring having a wound middle section and two leg sections (ends) as each spring would have performed the desired biasing function equally well and would not have modified the operation or intent of the spring means to hold the shaving head in the secured position.

Response to Arguments

9. Applicant's arguments, see, filed 2/09/2009, with respect to Leventhal have been fully considered and are persuasive. The rejection of claims 1-6 has been withdrawn.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,688,329 to Oord and U.S. Publication 2002/0162226 to Abraham et al, and U.S. Patent 5,313,704 to Atsumi et al.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura M Lee/
Examiner, Art Unit 3724
5/26/2009